

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**COMMONWEALTH OF
PENNSYLVANIA ,
Plaintiff,**

v.

**DONALD J. TRUMP, DONALD J.
WRIGHT, UNITED STATES
DEPARTMENT OF HEALTH AND
HUMAN SERVICES, STEVEN T.
MNUCHIN, UNITED STATES
DEPARTMENT OF THE TREASURY,
RENE ALEXANDER ACOSTA AND THE
UNITED STATES DEPARTMENT OF
LABOR,
Defendants.**

CIVIL ACTION

NO. 17-4540

ORDER

AND NOW, this 15th day of December, 2017, upon consideration of the Commonwealth of Pennsylvania's Motion for a Preliminary Injunction (ECF No. 9), Defendants' Response thereto (ECF No. 15), Plaintiff's Reply in Support thereof (ECF No. 30), the Administrative Record (ECF Nos. 23 & 47), Briefs of the Amici Curiae (ECF Nos. 34, 35 & 36), and following a Hearing on Plaintiff's Motion on December 14, 2017, **IT IS HEREBY ORDERED** that the Motion is **GRANTED**.

It is **FURTHER ORDERED** that Defendants Eric D. Hargan, as Acting Secretary of the United States Department of Health and Human Services (substituted pursuant to Rule 25(d) of the Federal Rules of Civil Procedure); the United States Department of Health and Human Services; Steven T. Mnuchin, as Secretary of the United States Department of Treasury; the United States Department of Treasury, Rene Alexander Acosta, as Secretary of the United States

Department of Labor; and the United States Department of Labor;¹ and their officers, agents, servants, employees, attorneys, designees, and subordinates, as well as any person acting in concert or participation with them, are hereby **ENJOINED** from enforcing the following Interim Final Rules pending further order of this Court:

1. Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act described at 82 Fed. Reg. 47792; and
2. Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act described at 82 Fed. Reg. 47838.

The Court has considered the issue of security pursuant to Rule 65(c) of the Federal Rules of Civil Procedure and determines that Defendants will not suffer any financial loss that warrants the need for the Plaintiff to post security. After considering the facts and circumstances of this case, the Court finds that security is unnecessary and exercises its discretion not to require the posting of security in this situation.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.

¹ In light of the constitutional concerns associated with enjoining the President of the United States for a claim under the Administrative Procedure Act, this injunction does not apply to the President. *See Franklin v. Massachusetts*, 505 U.S. 788, 801 (1992).